

REMARKS

Claims 1-21 are currently pending in the application; with claims 1, 6, 11, and 16 being independent. Claims 1, 6, 11, 16, and 18 have been amended to more appropriately define the present invention. Claim 21 has been added to better define the present invention.

Applicants respectfully request favorable consideration in light of the amendments and remarks presented herein, and earnestly seek timely allowance of the pending claims.

Specification

In the outstanding Office Action, the Examiner indicated that the specification should be updated to include the cross-reference to 10/438,915, filed on May 16, 2003. Applicants respectfully direct the Examiner's attention to the Preliminary Amendment filed on March 16, 2004, wherein a paragraph was inserted into the specification indicating cross-references to related applications.

The Examiner objected to the Abstract of the Disclosure because it contained the word "invention." Applicants submit herewith a new abstract, which is in conformance with MPEP §608.01(b). Applicants respectfully request the Examiner to withdraw the objection to the abstract.

Double Patenting

The Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of US Patent Application No. 10/800,69 (sic). Applicants contacted the Examiner by telephone to determine that the US patent

application number cited in the official Office Action contained a typographical error, and the application, which was being used as the basis for a double patenting rejection was US Patent Application No. 10/438,915 ('915). Additionally, the Examiner correctly indicated that '915 was abandoned.

Applicants respectfully traverse the double patenting rejection of claims 1-20.

Because the double patenting rejection is based upon a US patent application, and not an issued patent, a provisional double patenting rejection should have been issued by the Examiner. Because the provisional double patenting rejection is the only rejection remaining in the present application, the Examiner should withdraw this rejection and permit the application to issue as a patent. If the '915 application is revived, the Examiner may then issue a double patenting rejection for those claims based upon the patent which would mature from the present application.

Accordingly, Applicants respectfully request the Examiner to withdraw the double patenting rejection and timely allow the pending claims.

Conclusion


In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.


Application No.: 10/800,698

Docket No.: 0757-0277PUS2

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


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Respectfully submitted,

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Attachment: Abstract